



## Austin City Council MINUTES

For JANUARY 12, 1989 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting that Councilmembers Carl-Mitchell and Urdy were not yet in the Council Chamber but were expected shortly.

### MINUTES APPROVED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, approved minutes for regular meeting of January 5, 1989 and special meetings of December 12, 1988 at 2:00 p.m., December 12, 1988 at 4:30 p.m., December 13, 1988 at 3:00 p.m. and January 3, 1989. (5-0 Vote, Councilmembers Carl-Mitchell and Urdy absent)

### CITIZEN COMMUNICATIONS

Steve Sawyer discussed City of Austin management and budget process. Brother Tony Hearn talked about employment program for East Second Street daylabor seekers. John H. Carlson did not speak. Charlotte London discussed CDBG acquisition and rehabilitation request for proposal. Shelly Brisbin discussed public access funding. Abe Cortez discussed public access funding. Willie C. Lewis discussed C.A.R.E.'S response to Manor Area Neighbors Organization et al v. F.A.A.

### BOND SALE

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance authorizing the issuance and sale of \$144,250,000.00 "City of Austin, Texas Combined Utility Systems Revenue Notes, Series 1989", dated January 1, 1989, including receipt of bids for 6.9667% Merrill Lynch Capital Properties. (6-0 Vote, Councilmember Humphrey out of the room)

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance authorizing the issuance and sale of \$5,600,000.00 "City of Austin, Texas, Combination Tax and Solid Waste Disposal System Subordinate Lien Revenue Certificates of Obligation Series 1989", including the receipt of bids, and approving and authorizing the

1/12/89

execution of a Paying Agent/Registrar agreement with MTrust Corp., National Association for Rauscher Pierce at 7.020276%. (6-0 Vote, Councilmember Humphrey out of the room.)

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution authorizing execution of a Paying Agent/Registrar Agreement with First City National Bank in relation to the "City of Austin, Texas, Utility Systems Revenue Notes, Series 1989". (6-0 Vote, Councilmember Humphrey out of the room.)

#### OLD BUSINESS - ORDINANCES

##### Zoning Ordinance

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, passed through third reading of an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (5-2 Vote, Mayor Pro Tem Shipman, Councilmember Carl-Mitchell voted No.)

- |                             |                        |                   |
|-----------------------------|------------------------|-------------------|
| (1) ROGER JOSEPH PROPERTIES | 9000-9099 Cameron Road | From Tr. 1 "SF-3" |
| By Scott Young              |                        | to "LI"           |
| C14-88-0038                 |                        | Tr. 2 "SF-3"      |
|                             |                        | to "RR"           |
|                             |                        | Tr. 3 "SF-3"      |
|                             |                        | to "LI"           |

Second reading on January 5, 1989 (4-2). Councilmember Carl-Mitchell and Mayor Pro Tem Shipman voting "NO". Councilmember Urdy absent. Conditions

to be met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. The right-of-way dedication requirement has been satisfied.

#### ITEM POSTPONED

Postponed to January 26, 1988 is consideration of amending the Cultural Facilities Policy.

#### CONSENT ORDINANCES

The Council, on Councilmember Urdy's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (7-0 Vote)

##### Budget Amendment

Amended the 1988-89 Capital Budget by:

- a. Appropriating \$5,600,000.00 of Certificates of Obligation to the Sanitary Landfill Project. C.I.P. No. 74/60-07

Amended the 1988-89 Solid Waste Services Fund Budget by: /

- a. Increasing the revenue associated with fees for commercial and residential garbage collection effective with billings dated January 1, 1989 by \$392,958.00
- b. Increasing the expenses associated with land acquisition, specifically, interest payments and Certificates of Obligation issuance costs by \$441,966.00

#### CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

#### Capital Improvements Program

Authorized and approved the City of Austin Water and Wastewater Utility to enter into a contractual agreement with the State Department of Highways and Public Transportation for reimbursement for the installation of a Backflow Preventer on the Town North Nissan owned property. C.I.P. No. 86/22-39 (Reimbursement to City \$3,722.40)

*DAC and MAP abolished Dental Advisory Committee + gave MAP new responsibilities & a new membership composition*

Authorized the filing of eminent domain proceedings to acquire the following:

- a. A wastewater easement containing 6,423 square feet of land out of Lots 1 through 7 inclusive, Block C of the Cherry Creek Phase Eight, Section Two - A Subdivision, Travis County, Texas, owned by Heart O' Texas Savings Association for the Kincheonville Wastewater Improvements Project. C.I.P. No. 86/23-31
- b. 0.316 acre of land in fee simple out of the James Rogers Survey, No. 19, situated in Travis County, Texas, owned by Ray H. Schiller and wife, Magdaline Schiller, for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- c. 9,704 square feet of land in fee simple out of the James P. Wallace Survey, No. 57, situated in Travis County, Texas, owned by Wynona C. Joseph for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01

#### Release of Easement

Authorized release of easement as follows:

- a. Portions of the PUE's on Lot 1, Barton Terrace, Section 7-A of record in Volume 62, Page 73 of the Travis County plat

records, locally known as 1200 Barton Hills Drive. (Request submitted by Clark, Thomas, Winters & Newton on behalf of Texas Commerce Bank - Austin)

#### Contracts Approved

Approved the following contracts:

HOLMAN BOILER WORKS  
3921 Agnes  
Corpus Christi, Texas

- Repair of Brackenridge Hospital  
Number 3 Boiler, Brackenridge  
Hospital  
Total - \$97,423.00 89-S018-KK

JAMIESON FENCE COMPANY  
9520 Brown Lane  
Austin, Texas

- Traffic Sign Posts, General Services  
Department for Transportation and  
Public Services Department  
Twelve Month Supply Agreement  
Items 1-4 - \$28,230.00 89-0036-RD

#### Collectors for Bad Debt Accounts

Approved two twelve month service contracts (RFP's) with Accounts Receivable Management, Inc. and Merchants & Professional Credit Bureau, Inc. to collect on selected bad debt accounts receivable from Brackenridge Hospital. (Estimated \$423,443.00 in collections with \$107,978.00 paid in commissions and \$314,465.00 retained by the City per each twelve month period)

#### Private Pharmacy/Management Services for MAP

Approved issuing a Request for Proposal (RFP) for Private Pharmacy/Management Services for the Medical Assistance Program for fiscal year 1988-89.

#### Leases for Libraries

Approved a lease amendment with Odas Jung for the Twin Oaks Branch Library at 2301 South Congress Avenue. (Cost \$7,926.20)

Approved a lease with David M. Himmelblau C/O Cabbiness Brokerage for the Riverside Branch Library at 2007-C Riverside Drive. (Cost \$14,520.00)

#### Item Postponed

Postponed to January 26, 1989 is consideration of negotiating the 14th Year Community Development Block Grant (CDBG) Contract for acquisition/rehabilitation in the amount of \$984,000.00 to Neighborhood Housing Consortium.

## BOARD &amp; COMMISSION APPOINTMENTS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, appointed Annette Lavoie as a member of the Impact Fee Advisory Board. (7-0 Vote)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, appointed Christi Vaughn as a member of the Austin "150" Committee. (7-0 Vote)

The Council, on Councilmember Barnstone's motion, Councilmember Humphrey's second, nominated Abe Zimmerman to the Ethics Review Commission. The appointment will be ratified on January 19, 1989.

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, nominated Suzy Woodford to the Ethics Review Commission. The appointment will be ratified on January 19, 1989.

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, appointed Max Nofziger as a member of the Austin Transportation Study Policy Advisory Committee. (7-0 Vote)

## DANGEROUS ANIMALS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance amending Sections 3-1-3, 3-2-26, and 3-3-12 of the Code of the City of Austin, 1981, to redefine and regulate the keeping of dangerous animals within the City, to modify the record keeping duties of the Health Authority and the reporting of the Humane Society regarding animal impoundments. (5-0 Vote, Mayor Cooke and Councilmember Urdy out of the room.)

## DISANNEXATION

Council had before them for consideration the disannexation of the following from the City's limited purpose jurisdiction:

- a. A 1000' strip of land along R.M. 620 South from Mansfield Dam to the Village of Bee Cave.
- b. A 1000' strip of land along R.M. 2244 from a point west of Loop 360 to the eastern boundary of The Uplands.

Mayor Pro Tem Shipman stated: "I would like to have it duly noted in the record what, if any jurisdiction there is over driveway locations or traffic safety along those roadways. I realize the City will have no jurisdiction, that there will be no country roadway

ordinance and I am concerned about traffic safety."

Luther Polnau, Office of Land Development Services, stated, "To our knowledge there is not if the City disannexes this territory."

Mayor Pro Tem Shipman stated, "We are disannexing this because of State legislation that says you shall disannex." Mr. Polnau said "That is correct."

#### Motion

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, waived the requirement for three readings and finally passed an ordinance disannexing the following from the City's limited purpose jurisdiction: (6-0 Vote, Councilmember Humphrey abstained)

- a. A 1000' strip of land along R.M. 620 South from Mansfield Dam to the Village of Bee Cave.
- b. A 1000' strip of land along R.M. 2244 from a point west of Loop 360 to the eastern boundary of The Uplands.

#### NEW CITY OF AUSTIN MUNICIPAL AIRPORT

Council considered action on a professional services agreement between the City of Austin and Sverdrup Corporation for the program management services for the new City of Austin Municipal Airport and authorization to proceed with Phase 1 - Program Development Services (total cost \$1,418,000.00)

After discussion Council directed this be brought back on the January 17, 1989 agenda.

#### LIBRARY BOOKS CONTRACT

The Council, on Councilmember Barnstone's motion, Mayor Cooke's

second, adopted a resolution approving the following contract:  
(5-0 Vote, Councilmember Humphrey abstained, Mayor Pro Tem Shipman out of the room)

BAKER & TAYLOR COMPANY  
Mt. Olive Road  
Commerce, Georgia

- Adult and Juvenile Books, Central  
Library, Branch Libraries  
and the Central Texas Library  
System  
Twelve (12) Month Supply Agreement  
Items 1-4 \$607,800.00  
88-0340-LI

#### BRUSHY CREEK REGIONAL WASTEWATER SYSTEM

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke;s second, adopted a resolution authorizing the Acting City Manager to execute contracts relating to Austin's participation in the Brushy Creek Regional Wastewater System. (5-2 Vote, Councilmember Barnstone and Humphrey voted No.)

#### PUBLIC HEARING SET

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, at the request of Mr. Scott Morse, set a public hearing on an appeal of the Planning Commission's decision to deny an appeal of a site plan for Lone Star Gas Company, Case No. SP-88-0271d, for January 26, 1989 at 6:00 P.M. (7-0 Vote)

#### CONTRACT TO BE REBID

The Contract, which was recommended for Payton and Associates, for water conservation retrofit single family residential customers in the Walnut Creek Wastewater Treatment Plant Service Area, Resource Management Department, for a twelve month supply agreement, will be rebid.

#### EXECUTIVE SESSION

Mayor Cooke announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

##### 1. Pending Litigation - Section 2, Paragraph e

- (a) City of Austin vs. Houston Lighting and Power
- (b) Docket #8480 - Petition Sharen Schrane, et al for relief from electric utility rates set by the City of Austin
- c) Cause No. 427,467; Jose Lvera Guerrero, Jr. et al v. City of Austin and Lindsay Wynne Chervenak

##### 2. Personnel Matters - Section 2, Paragraph g

- (a) City Manager Search
- (b) Appointment of Municipal Court Clerk

RECESS

Council recessed its meeting from 5:00 to 6:30 P.M.

PUBLIC HEARING

Mayor Cooke opened the public hearing set for 5:00 P.M. on the proposed amendments to Austin Metropolitan Area Road Plan with regard to North and South Lamar Boulevards.

People who spoke have cards on file in the City Clerk's office.

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, closed the public hearing. (4-0 Vote, Mayor Cooke, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell out of the room.)

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, approved amending the Metropolitan Roadway Plan to downgrade South Lamar to a minor arterial, with a friendly amendment by Mayor Pro Tem Shipman to direct staff to proceed with the TSM improvements that were referenced in the back-up material. (4-3 Vote, Mayor Cooke, Councilmembers Carl-Mitchell and Urdy voted No.)

VELOWAY

Mayor Cooke opened two public hearings scheduled for 6:45 P.M.

- To amend City of Austin Bikeway Plan to include a Veloway.
- To approve a resolution supporting an application to the Texas Parks and Wildlife Department for a matching grant to fund a Veloway Park.

People who spoke have cards on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, closed the public hearings. (7-0 Vote)

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, approved amending the City of Austin Bikeway Plan to include a Veloway. (5-2 Vote, Councilmember Carl-Mitchell and Mayor Pro Tem Shipman voted No.)



Motion

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted a resolution supporting an application to the Texas Parks and Wildlife Department for a matching grant to fund a Veloway Park. (5-2 Vote, Councilmember Carl-Mitchell and Mayor Pro Tem Shipman voted No.)

## FOUNDATION FOR TEXAS CHILDREN

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, approved appropriating \$10,000.00 from the Social Services Contingency Fund to the Foundation for Texas Children. (7-0 Vote)

## HEARING TO BE CONTINUED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, continued to January 26, 1989 the public hearing on amendments to the Interim Land Development Code as it relates to the Town Lake Comprehensive Plan. (6-0 Vote, Councilmember Urdy out of the room)

## PALMER AUDITORIUM

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, adopted a resolution rescinding action taken regarding the concept of paid parking at Palmer Auditorium and the City Coliseum. (7-0 Vote)

## NO ACTION ON ITEM

No action was taken by Council on an item introduced by Councilmember Nofziger approving action regarding shelter for the homeless. A presentation was made by Acting Assistant City Manager Barney Knight telling Council the cost and ramifications of a tent city in Austin.

## RODRIGUEZ SUBDIVISION

The Council, on Councilmember Barnstone's motion, Mayor Pro Tem Shipman's second, adopted a resolution endorsing the payment by the Housing Department of zoning and subdivision fees of approximately \$2,500.00 for the Rodriguez Subdivision, to instruct the City staff to use funds from the Lockheed Area Annexation Water and Wastewater Project (CIP 227-769 and CIP 237-746) necessary to build water and wastewater improvements in the Hoeke Lane/Rodriguez Subdivision area and to endorse the appropriation of Community Block Development Grant reallocated standard rehabilitation funds to build street and drainage improvements in the Hoeke Lane/Rodriguez Subdivision area. (4-0 Vote, Councilmembers Humphrey, Nofziger and Urdy out of the room)

## RENTAL REHABILITATION GRANT PROGRAM

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution authorizing submission of a Rental Rehabilitation Grant Program Description (application) to the United States Department of Housing and Urban Development for a Fiscal Year 1989 Grant in the amount of \$419,000.00. (5-0 Vote, Councilmembers Humphrey and Nofziger out of the room.)

## ITEMS POSTPONED

Postponed to January 19, 1989 is consideration of approving amendments to the Electrical Service Inspection; and City Manager Report on Electrical Inspection Procedures.

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- (a) City Manager Search
- (b) Appointment of Municipal Court Clerk

## RECESS AND ADJOURNMENT

Council recessed its meeting at 11:25 P.M. for executive session and adjourned its meeting at 12:50 A.M., January 13, 1989.